

SUMMARY ANALYSIS OF AMENDED BILL

Author: Simitian Analyst: Deborah Barrett Bill Number: SB 20
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: August 25, 2009
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: State Agencies Notify California Residents Of Any Breach Of Security Of System Or Data/Additional Notification Requirements/If Notification To More Than 500 Residents Must Also Submit Electronically To Attorney General

- DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- FURTHER AMENDMENTS NECESSARY.
- DEPARTMENT POSITION CHANGED TO _____.
- REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED
- June 16, 2009, STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would do the following:

- Require state agencies to provide specific information when notifying California residents of a breach of security of a system containing personal information,
- Require state agencies to provide a security breach notification electronically to the Attorney General when a single breach involves more than 500 California residents, and
- Require state agencies to provide the Office of Information Security within the Office of the Chief Information Officer with a security breach notification when substitute notice is used.

This bill would also place requirements on entities other than state agencies that do not impact the department and are not discussed in this analysis.

Board Position:	Asst. Legislative Director	Date
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<input checked="" type="checkbox"/> PENDING	Patrice Gau-Johnson	9/09/09

SUMMARY OF AMENDMENTS

The August 25, 2009, amendments removed the general information requirement for the estimate number of persons affected by the breach, to be included in a notice of breach of security. The "This Bill" discussion has been revised. The remainder of the department's analysis of the bill as amended June 16, 2009, still applies.

POSITION

Pending.

THIS BILL

This bill would change existing breach of security notification requirements to require the notice to be written in plain English and include the following information in the notices issued by a state agency to a California resident:

- Name and contact information of the reporting agency subject to breach and notification requirement.
- A list of the types of personal information, as defined, that was, or is, reasonably believed to have been subject to a breach.
- If the information is possible to determine at the time the notice is provided, then any of the following: the date, estimated date, or date range within which the breach occurred.
- The date of the notice.
- Whether the notification was delayed because of a law enforcement investigation if that information is available at the time the notice is provided.
- A general description of the breach incident, if that information is possible to determine at the time of the notice.
- The toll-free telephone numbers and addresses of the major credit reporting agencies if the breach exposed a social security number or driver's license or California identification card number.

This bill would provide that at the discretion of the state agency, the notice may include the following additional information:

- Information about what the agency has done to protect individuals whose information has been breached.
- Advice on steps that the person whose information has been breached may take to protect himself or herself.

This bill would provide that any agency that must issue a security breach notification to more than 500 California residents as a result of a single breach of the security system shall electronically submit a single sample copy of that security breach notification excluding any personally identifiable information to the Attorney General. The bill would specify that the notice provided to the Attorney General would not be excludable from Public Records Act requests.

This bill would also provide that if a state agency uses substitute notice, notification must be sent to the Office of Information Security within the Office of the Chief Information Officer.

LEGISLATIVE STAFF CONTACT

Legislative Analyst

Deborah Barrett

(916) 845-4301

deborah.barrett@ftb.ca.gov

Revenue Director

Jay Chamberlain

(916) 845-3375

jay.chamberlain@ftb.ca.gov

Asst. Legislative Director

Patrice Gau-Johnson

(916) 845-5521

patrice.gau-johnson@ftb.ca.gov